

## **WARREN COUNTY BOARD OF SUPERVISORS**

**COMMITTEE: HEALTH SERVICES**

**DATE: NOVEMBER 4, 2009**

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**COMMITTEE MEMBERS PRESENT:**

SUPERVISORS SHEEHAN  
THOMAS  
CHAMPAGNE  
STRAINER

**COMMITTEE MEMBERS ABSENT:**

SUPERVISORS SOKOL  
O'CONNOR  
PITKIN

**OTHERS PRESENT:**

PAT AUER, DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH  
REPRESENTING WESTMOUNT HEALTH FACILITY:  
BARBARA TAGGART, ADMINISTRATOR  
BETSY HENKEL, COMPTROLLER  
PAUL DUSEK, COUNTY ATTORNEY  
PATRICIA NENNINGER, SECOND ASSISTANT COUNTY ATTORNEY  
JOAN SADY, CLERK OF THE BOARD  
KEVIN GERAGHTY, BUDGET OFFICER  
SUPERVISOR TAYLOR  
TODD LUNT, DIRECTOR OF HUMAN RESOURCES  
DON LEHMAN, *THE POST STAR*  
CHARLENE DiRESTA, SR. LEGISLATIVE OFFICE SPECIALIST

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In the absence of Committee Chairman Sokol, Supervisor Sheehan, as Vice-Chairman called the meeting of the Health Services Committee to order at 9:35 a.m.

Motion was made by Mr. Thomas, seconded by Mr. Strainer and carried unanimously to approve the minutes of the previous Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Patricia Auer, Director of Public Health, who distributed copies of the agenda to the Committee members; *a copy of the agenda is on file with the minutes.*

Ms. Auer apprised that the New York State Department of Health (NYS DOH) was providing face masks to the counties for distribution as needed to hospitals, nursing homes, etc. She said that the agreement with NYS DOH for distribution of the masks contained a hold harmless clause. She noted that the face masks were an infection control measure and there would be no cost to the County. Paul Dusek, County Attorney, explained that the free masks came with the requirement that the County had to indemnify the State against any claims that came about due to the use of the masks. He recommended that the County have the various institutions that the masks were distributed to, sign an indemnification letter to protect the County against any claims that might arise.

Motion was made by Mr. Champagne, seconded by Mr. Thomas and carried unanimously to ratify the actions of the Chairman of the Board or the Director of the Office of Emergency Services and the Director of Public Health to sign an agreement with the NYS DOH for receipt of medical materials and assets from the NYS DOH Medical Response Cache (MERC) and/or the Strategic National Stockpile (SNS) for use in responding to public health crisis. *A copy of the resolution request form is on file with the minutes and the necessary resolution was authorized for the November 20, 2009 Board meeting.*

Ms. Auer exited the meeting at 9:38 a.m.

Privilege of the floor was extended to Barbara Taggart, Administrator of Westmount Health Facility, who distributed copies of the agenda to the Committee members; *a copy of the agenda is on file with the minutes.*

Ms. Taggart requested a contract with Lori A. Girard, CDN for dietician services, commencing January 1, 2010 and terminating with 30 days written notice by either party, at an hourly rate of \$32 for 17 hours per week, for a total amount not to exceed \$28,288. She advised that she had included a job outline in the agenda packet for the Committee's review. She explained that in 2004 the Dietician worked 12 hours per week and when the Facility was cited for dietary issues, the Dietician was increased to 15 hours per week. She added that when she was appointed as Administrator, she increased the Dietician's hours to 17 hours per week. Mr. Dusek noted that this request had been postponed at the previous Committee meeting in order to determine if dietician services were a State mandate that could be reduced or eliminated. He said that the County Attorney's Office had evaluated and researched the issue and he advised that this was a mandate that should not be reduced or eliminated. He continued that 17 hours per week was reasonable at this time; however, he added, there was a possibility that it could be reduced slightly at a later date. Mr. Champagne asked if Ms. Girard was also the Dietician for the Countryside Adult Home and the Jail and Ms. Taggart replied affirmatively. She added that Ms. Girard was a hard worker and completed special projects. She noted that there were never any dietary issues when they were surveyed by the NYS DOH.

Motion was made by Mr. Champagne, seconded by Mr. Strainer and carried unanimously to authorize a contract with Lori A. Girard for dietician services, as outlined above. *A copy of the resolution request form is on file with the minutes and the necessary resolution was authorized for the November 20, 2009 Board meeting.*

Ms. Taggart requested to amend the 2009 County budget to increase estimated revenues and appropriations in the amount of \$5,924, to reflect the cost of the salary of the Interim Director of Nursing.

Motion was made by Mr. Thomas, seconded by Mr. Strainer and carried unanimously to approve the request to amend the 2009 County budget as outlined above and to forward same to the Finance Committee. *A copy of the resolution request form is on file with the minutes.*

Ms. Taggart requested a transfer of funds from various account codes totaling \$8,127 to cover the cost of repairs and maintenance and part-time salaries, as well as to balance the budget for the end of the year.

Motion was made by Mr. Thomas, seconded by Mr. Strainer and carried unanimously to approve the request for a transfer of funds as outlined above and to forward same to the Finance Committee. *A copy of the Request for Transfer of Funds is on file with the minutes.*

Ms. Taggart requested a contract with McCarthy & Conlon, LLP for auditing services for the 2009, 2010 and 2011 audits, commencing January 1, 2010 and terminating December 31, 2010, in the amount of \$15,000. She said that the bid tabulation sheet had been included in the agenda packet for the Committee's review. Mr. Dusek noted that the lowest bidder had

been Toski, Schaefer & Co., PC and added that there was a \$2,100 difference between the two bids. He advised that the County Purchasing Policy required the County to award the bid to the lowest bidder unless there was a compelling reason not to do so. He added that a needs analysis and a resolution rejecting the lowest bid would also be required.

Mr. Strainer noted that McCarthy & Conlon had completed the audits for Westmount Health Facility for some time and did a thorough job. Betsy Henkel, Comptroller for Westmount Health Facility, stated that Mr. McCarthy was familiar with the County which was an asset. She added that his proximity to the County and familiarity with the cogeneration project were also benefits. Ms. Taggart noted that Mr. McCarthy was accessible, which added to the benefits. Mr. Dusek stated that familiarity with the County and the cogeneration project, proximity and accessibility could be compelling reasons to award the contract to a company that was not the lowest bidder; however, he added, the question remained if the reasons stated equated to a difference of \$2,100. Mr. Geraghty asked if it was known if Toski, Schaefer & Co., PC was familiar with cogeneration. Mr. Champagne said that he would need to know the experience level of Toski, Schaefer & Co., PC prior to making the decision. Ms. Henkel responded that the company had submitted information, which she could present at the next Committee meeting. Mr. Geraghty apprised that the County was anticipating a 20% tax increase to the taxpayers and if they could save \$2,100 to get the same audit completed by a different firm, they should do so.

Motion was made by Mr. Champagne, seconded by Mr. Thomas and carried unanimously to table the issue of awarding the contract for auditing services until further information was presented at the next Committee meeting.

Ms. Taggart apprised that the job descriptions for the DON (Director of Nursing) and ADON (Assistant Director of Nursing) positions had been revised and she requested authorization to fill the vacant positions. Mr. Strainer noted that this issue had been tabled at the previous Committee meeting, so that they could determine the base salary of the positions. Ms. Taggart said that Todd Lunt, Director of Human Resources, had been working with her on compiling a salary comparison. Mr. Lunt distributed a handout to the Committee members; a copy of which is on file with the minutes. He said that included in the handout was a 2009 Salary Survey Report which had been presented by NYAHS (New York Association of Homes & Services for the Aging). He added that the cover sheet represented a breakdown of 2009 median salaries, with and without benefits, for all of Northeastern New York and public facilities in upstate New York, as compared with the County's base salaries. He advised that although the County's base salaries did not reach the median level, he felt they were comparable.

Mr. Strainer asked the salary of the DON who was retiring and Ms. Taggart replied that the base salary was \$65,139 and the DON's salary was \$68,989 with longevity. Mr. Strainer voiced his opinion that the position be advertised at the current base salary, which could be increased based on experience level. Mr. Geraghty apprised that the County should be careful not to set the base salary too high and added that there continued to be a shortage of nurses. Mr. Geraghty asked if the DON and ADON were Civil Service positions and Ms. Taggart replied affirmatively. Ms. Taggart mentioned that the DON and ADON would both be required to submit their credentials in June 2010. In answer to the question of whether the positions were tested or not, Ms. Henkel replied that they were civil services tested.

Mr. Sheehan inquired as to the salary of the Nursing Supervisor and Ms. Taggart replied that it was approximately \$50,000 with longevity.

Discussion ensued.

Mr. Dusek advised that if the County established a base salary and advertised for the vacant positions, the advertisement should be republished, if during the interview process, the County decided to increase the base salary. He added that otherwise the County could have had candidates that would have submitted their applications, if they had known that the base salary was higher. He advised that they should either make a decision on the base salary or advertise that the salary will be commensurate with experience and qualifications. Mr. Geraghty asked who would determine the salary level based on experience and Ms. Taggart responded that it would be her determination. Mr. Geraghty recommended that the Committee give Ms. Taggart an acceptable salary range.

Following a brief discussion, motion was made by Mr. Champagne, seconded by Mr. Thomas and carried unanimously that the base salary for the Director of Nursing position remain \$65,139.

Mr. Dusek stated that there had been discussions pertaining to reconsidering the longevity pay schedule for employees. He explained that when they advertised for the vacant DON and ADON positions, there should not be a guarantee of longevity pay, if the decision would be revisited by the Board. Mr. Geraghty voiced his opinion that the salary should be the salary and should not include longevity. Mr. Champagne asked for clarification purposes, if the Board was free to make decisions concerning longevity for employees, with the exception of employees under union contracts and Mr. Dusek said that was correct. Mr. Dusek reiterated that for the people hired as the DON and ADON, there should be no promises of longevity if the Board was considering doing away with the benefit.

Mr. Champagne suggested that the Chairmen of the respective Committees participate in interviews for vacant positions in the departments. Ms. Taggart interjected that the Interim Director of Nursing would also participate in the interviews. Mr. Geraghty noted that it had been decided that the Chairmen of the Committees would take a more active role, due to the fact that the County no longer had an Administrator. Joan Sady, Clerk of the Board, advised that it had been the practice in the past that the Chairman or any interested member of the Committee participate in the interview process when hiring department heads. Mr. Thomas asked if they were deciding if new hires would be eligible for longevity. Mr. Dusek clarified that they were preserving the opportunity to decide the question later. He added that at least one union contract would be negotiated in 2010 and the issue of longevity would be discussed at that time. Mr. Thomas noted that the DON and ADON would not be protected by a union contract and Mr. Dusek countered that the positions had traditionally received the same longevity. Mr. Sheehan suggested that the issue of eliminating longevity for non-bargaining employees be referred to the Personnel Committee. Mr. Lunt noted that it had already been decided that there would be no cost of living or longevity increases for non-bargaining employees for 2010. Mr. Dusek countered that only applied to 2010; however, he added, there was a resolution in place that provided longevity for non-bargaining employees. It was the consensus of the Committee that the issue of eliminating longevity for non-bargaining employees be referred to the Personnel Committee.

Ms. Taggart stated that the Committee would need to make a decision on the salary for the ADON position. Mr. Strainer recommended that the base salary remain at \$58,701.

Motion was made by Mr. Strainer, seconded by Mr. Champagne and carried unanimously that the base salary for the ADON position remain at \$58,701.

Mr. Dusek advised that the NYAHSA Report had suggested that the job description of the ADON position should be reevaluated. He added that a meeting should be scheduled with NYASHA to assure that the Facility was properly structured, prior to the circulation of a job description. Ms. Taggart reported that she had completed the job description for the DON and ADON positions. She added that she had considered the recommendations of the Committee and NYAHSA in doing so. She stated that she needed to advertise the positions as soon as possible. She advised that she could hold the applications until the job descriptions were approved by NYAHSA. Mr. Dusek stated that if an applicant requested a job description prior to the approval of NYAHSA, the applicant should be informed that the job description was subject to change. He said it was critical to hold the meeting with NYAHSA and that the Committee should meet again following that meeting. Mr. Geraghty expressed the importance of scheduling the meeting with NYAHSA and added that the job descriptions should be emailed to the appropriate person so they could be reviewed.

Ms. Taggart requested approval to establish an RN (Registered Nurse) Nurse-On-Call for the 11:00 p.m. to 7:00 a.m. shift to be available Monday through Saturday for one week at a time to assist the LPN (Licenced Practical Nurse) Supervisor, with a compensation rate of \$30 per day. She advised that there was a vacant Supervising RN position on the 11:00 p.m. to 7:00 a.m. shift, which she did not want to fill at this time. She added that the salary for the Supervising RN position was \$46,648. She said that if an LPN acted as the supervisor and the cost for an RN Nurse-On-Call was \$10,920, then the annual savings to the County would be \$35,728.

Mr. Champagne expressed his concern that there would not be an RN on duty from 11:00 p.m. to 7:00 a.m. Ms. Taggart responded that there would be a designated RN on-call each week to be available as needed. She added that this practice was common in nursing homes. Mr. Sheehan asked if the RN Nurse-On-Call would be available to answer questions as they arose and Ms. Taggart replied affirmatively and added that they would come to the Facility as needed. Mr. Sheehan asked if the Supervising LPN was required to make many decisions during that shift and Ms. Taggart replied that it depended on the concerns of the shift but generally few decisions would need to be made during that shift time. Mr. Champagne voiced his opinion that there should be an RN on duty 24 hours per day. Ms. Taggart countered that the Director of Nursing (DON), the Assistant Director of Nursing (ADON) and the Administrator were also on-call 24 hours a day. Mr. Champagne questioned the need to have an RN Nurse-On-Call and Ms. Taggart replied that there would be a designated person who would be called as the need arose. She noted that she was having a difficult time filling the vacant position of RN Supervisor on the 11:00 p.m. to 7:00 a.m. shift and this solution would eliminate the overtime and per diem usage in order to cover the vacant position.

Mr. Dusek stated that NYAHSA was assisting with the various changes that the Facility was currently undergoing and he suggested that they be consulted as to whether or not it was proper to have an RN Nurse-On-Call. He recommended that the RN Nurse-On-Call could be a

temporary solution until the DON and ADON positions were filled. Mr. Geraghty asked if the RN Nurse-On-Call would require a contract and Mr. Dusek replied in the negative. Mr. Dusek stated that if the RN who worked on an on-call basis was a member of the Union, then they would need to negotiate with the Union for the on-call compensation. Ms. Taggart stated that the RN Nurse-On-Call had been a recommendation from the Interim Director of Nursing. Mr. Champagne asked for clarification that at the present time there was no RN scheduled on the 11:00 p.m. to 7:00 a.m. shift and Ms. Taggart said that was correct. She advised that they were covering the vacant position with overtime and per diem employees. Mr. Thomas clarified that the RN Nurse-On-Call would be temporary until the DON and ADON positions were filled and Ms. Taggart acknowledged that was acceptable.

Motion was made by Mr. Thomas, seconded by Mr. Champagne and carried unanimously to establish an RN Nurse-On-Call for the 11:00 p.m. to 7:00 a.m. shift to be available Monday through Saturday for one week at a time to assist the LPN Supervisor, with a compensation rate of \$30 per day, on a temporary basis until the DON and ADON positions were filled and to forward same to the Personnel Committee. *(Note: Subsequent to the meeting it was determined that this request would go back to the Committee for further discussion.)*

Mrs. Sady noted that the previous motion to establish the salaries of the DON and ADON positions had not included that they could be filled and should be forwarded to the Personnel Committee.

Motion was made by Mr. Strainer, seconded by Mr. Thomas and carried unanimously to approve the filling of the vacant positions of DON and ADON and to forward same to the Personnel Committee. *Copies of the Notice of Intent to Fill Vacant Position forms are on file with the minutes.*

Ms. Taggart apprised that she had been working with the Interim Director of Nursing on recommendations that had been received from NYAHS. She said that the recommendations were as follows:

1. Identify and streamline redundant documentation in the medical records;
2. Survey readiness/mock survey with Facility staff; and
3. Evaluate Facility quality indicators;
  - a. Prevalence of bladder and bowel incontinence;
  - b. Clinical management with medications.

Ms. Taggart requested Committee approval to contract with two consultant clinical staff for assessment of the identified areas of potential concern and she estimated that it would take three days to complete. Mr. Champagne asked for clarification that they would hire two consultant clinical staff to complete an assessment of these three items and Ms. Taggart replied affirmatively. Mr. Champagne asked what the cost would be and Ms. Taggart replied that she did not have those figures yet. Mr. Strainer said that he would have a difficult time making a decision without knowing the cost. Ms. Taggart said that she was requesting direction on what the next step should be. Mr. Strainer asked if the consultants were needed and Ms. Taggart replied affirmatively. She stated that the Interim Director of Nursing would review the policies and procedures, which would be time consuming. Mr. Thomas said that the consultants were a good idea but they would need to know the cost. Ms. Taggart explained that she would present the request to NYAHS and they could provide her with the cost. Mr.

Strainer asked if Ms. Taggart was requesting Committee approval to present the concept to NYAHSA and would then return to the Committee for authorization and Ms. Taggart replied affirmatively.

Motion was made by Mr. Strainer, seconded by Mr. Champagne and carried unanimously to authorize Ms. Taggart to discuss with NYAHSA the proposal to contract consultant clinical staff and report back to the Committee with the approximate cost.

Mr. Lunt stated that there had not been a salary listed for the Interim Director of Nursing which was approved at the previous Committee meeting. He said that the employee had started work on Monday and the information was necessary in order to pay her salary. Ms. Taggart advised that funds had been transferred at the last Committee meeting to cover the salary. Mr. Lunt stated that a salary needed to be set in order to complete the Personnel 426 form. Ms. Taggart apprised that the Interim Director of Nursing would be paid \$36.06 per hour, not to exceed \$13,000.

Following a brief discussion, motion was made by Mr. Champagne, seconded by Mr. Thomas and carried unanimously that the salary for the Interim Director of Nursing be set at \$36.06 per hour, not to exceed \$13,000, and to forward same to the Personnel Committee.

As there was no further business to come before the Health Services Committee, on motion made by Mr. Thomas and seconded by Mr. Strainer, Mr. Sheehan adjourned the meeting at 10:37 a.m.

Respectfully submitted,  
Charlene DiResta, Sr. Legislative Office Specialist